

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

----oo0oo----

FAUN O'NEEL, individually and
as Guardian Ad Litem for her
children B.T., A.O., D.O.,
and A.T.,

Plaintiffs,

v.

CITY OF FOLSOM, a public
entity; SPENSER HEICHLINGER,
an individual; MELANIE
CATANIO, an individual; LOU
WRIGHT, an individual; [FNU]
AUSTIN, an individual; [FNU]
HUSAR, an individual, DOE
CITY OF FOLSOM DEFENDANTS,
individuals; COUNTY OF
SACRAMENTO, a public entity;
DOE DCFAS DEFENDANTS,
individuals; and DOES 1
through 10, inclusive,

Defendants.

No. 2:21-cv-02403 WBS DB

----oo0oo----

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the

1 court hereby vacates the Status (Pretrial Scheduling) Conference
2 scheduled for August 1, 2022, and makes the following findings
3 and orders without needing to consult with the parties any
4 further.

5 I. SERVICE OF PROCESS

6 All defendants have been served, and no further service
7 is permitted without leave of court, good cause having been shown
8 under Federal Rule of Civil Procedure 16(b).

9 II. JOINDER OF PARTIES/AMENDMENTS

10 No further joinder of parties or amendments to
11 pleadings will be permitted except with leave of court, good
12 cause having been shown under Federal Rule of Civil Procedure
13 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
14 (9th Cir. 1992).

15 III. JURISDICTION/VENUE

16 Jurisdiction is predicated upon 28 U.S.C. § 1331,
17 because plaintiffs assert claims alleging violation of their
18 rights under the United States Constitution. Venue is undisputed
19 and hereby found to be proper.

20 IV. DISCOVERY

21 The parties shall serve the initial disclosures
22 required by Federal Rule of Civil Procedure 26(a)(1) on or before
23 August 29, 2022.

24 The parties shall disclose experts and produce reports
25 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
26 later than July 28, 2023.¹ With regard to expert testimony

27 ¹ Although the parties have suggested separate deadlines
28 for (1) the close of "Non-Expert Discovery," (2) expert

1 intended solely for rebuttal, those experts shall be disclosed
2 and reports produced in accordance with Federal Rule of Civil
3 Procedure 26(a)(2) on or before August 15, 2023.

4 All discovery, including depositions for preservation
5 of testimony, is left open, save and except that it shall be so
6 conducted as to be completed by September 22, 2023. The word
7 "completed" means that all discovery shall have been conducted so
8 that all depositions have been taken and any disputes relevant to
9 discovery shall have been resolved by appropriate order if
10 necessary and, where discovery has been ordered, the order has
11 been obeyed. All motions to compel discovery must be noticed on
12 the magistrate judge's calendar in accordance with the local
13 rules of this court and so that such motions may be heard (and
14 any resulting orders obeyed) not later than September 22, 2023.

15 V. MOTION HEARING SCHEDULE

16 All motions, except motions for continuances, temporary
17 restraining orders, or other emergency applications, shall be
18 filed on or before November 9, 2023. All motions shall be
19 noticed for the next available hearing date. Counsel are
20 cautioned to refer to the local rules regarding the requirements
21 for noticing and opposing such motions on the court's regularly
22 scheduled law and motion calendar.

23 VI. FINAL PRETRIAL CONFERENCE

24 The Final Pretrial Conference is set for February 26,
25 2024, at 1:30 p.m. in Courtroom No. 5. The conference shall be

26 disclosures, (3) rebuttal expert disclosures, and (4) the close
27 of "Expert Witness Discovery," the court prefers to set two
28 deadlines for expert disclosures and one date for the close of
all discovery.

1 attended by at least one of the attorneys who will conduct the
2 trial for each of the parties and by any unrepresented parties.

3 Counsel for all parties are to be fully prepared for
4 trial at the time of the Pretrial Conference, with no matters
5 remaining to be accomplished except production of witnesses for
6 oral testimony. Counsel shall file separate pretrial statements,
7 and are referred to Local Rules 281 and 282 relating to the
8 contents of and time for filing those statements. In addition to
9 those subjects listed in Local Rule 281(b), the parties are to
10 provide the court with: (1) a plain, concise statement which
11 identifies every non-discovery motion which has been made to the
12 court, and its resolution; (2) a list of the remaining claims as
13 against each defendant; and (3) the estimated number of trial
14 days.

15 In providing the plain, concise statements of
16 undisputed facts and disputed factual issues contemplated by
17 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
18 that remain at issue, and any remaining affirmatively pled
19 defenses thereto. If the case is to be tried to a jury, the
20 parties shall also prepare a succinct statement of the case,
21 which is appropriate for the court to read to the jury.

22 VII. TRIAL SETTING

23 The jury trial is set for April 23, 2024, at 9:00 a.m.
24 The parties estimate that the trial will last five to seven days.

25 VIII. SETTLEMENT CONFERENCE

26 A Settlement Conference with a magistrate judge will be
27 set at the time of the Pretrial Conference. Counsel are
28 instructed to have a principal with full settlement authority


1 present at the Settlement Conference or to be fully authorized to
2 settle the matter on any terms. At least seven calendar days
3 before the Settlement Conference counsel for each party shall
4 submit a confidential Settlement Conference Statement for review
5 by the settlement judge. The Settlement Conference Statements
6 shall not be filed and will not otherwise be disclosed to the
7 trial judge.

8 IX. MODIFICATIONS TO SCHEDULING ORDER

9 Any requests to modify the dates or terms of this
10 Scheduling Order, except requests to change the date of the
11 trial, may be heard and decided by the assigned Magistrate Judge.
12 All requests to change the trial date shall be heard and decided
13 only by the undersigned judge.

14 IT IS SO ORDERED.

15 Dated: July 22, 2022


16 **WILLIAM B. SHUBB**
17 **UNITED STATES DISTRICT JUDGE**
18
19
20
21
22
23
24
25
26
27
28